

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)  
Attorney Docket: 056209.52219C1



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Mail Stop PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a X continuation or \_\_\_ divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 10/390,771

Filed on March 19, 2003

Of Shiro Yamaoka et al.

Entitled: Control Apparatus And Control Method For Multi-Cylinder Engine

Examiner: Andrew Dollinar

Group: 3747

- X 1. Accompanying this order is a new specification that does not contain any subject matter that would have been new matter in the prior application.  
Total pages of specification, claims and abstract: 46
- X 2. New Formal drawings are being filed herewith consisting of 7 sheet(s), depicting Figures 1-10.
- X 3. Declaration and Power of Attorney:
- a. \_\_\_ Newly executed (original or copy)
- b. X Copy from prior application
- i. \_\_\_ Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application
- X 4. Incorporation by Reference:
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

5. Small entity status:
- a.      A small entity statement is enclosed
- b.      A statement of small entity status (copy attached) was filed on      in the prior application and status as a small entity is still proper and desired.
- c.      Is no longer claimed
- X 6. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS  
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee					<u>\$385</u>	<u>\$770</u>
Total Claims	<u>2</u>	-	20 = <u>0</u>	x	9 = \$	18 = \$ 00.00
Ind. Claims	<u>1</u>	-	3 = <u>0</u>	x	43 = \$	86 = \$ 00.00
	<u>Multiple Dependent Claims</u>			+	145 = \$	290 = \$
	Total				<u>\$</u>	<u>\$ 770.00</u>

7. Please charge my Deposit Account No. 05-1323 (Docket #     ) in the amount of \$     .
- X 8. A check in the amount of \$ 770.00 to cover the filing fee is enclosed.
- X 9. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #056209.52219C1).
- X 10. Amend the specification by inserting before the first line the sentence: --This application is a continuation of application Serial No. 10/390,771, filed March 19, 2003.--
- X 11. Priority of Appln. No(s). 2002-270634, filed in Japan on September 17, 2002, is hereby claimed under 35 U.S.C. 119.
- X 12. A certified copy of each said priority document was filed in application Serial No. 10/390,771 on March 19, 2003.
- X 13. The prior application is assigned of record to Hitachi, Ltd..
- X 14. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- ☒ a. The power appears in the original application papers in the prior application.
- ☐ b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- ☐ c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- ☒ d. Address all future correspondence to:

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300

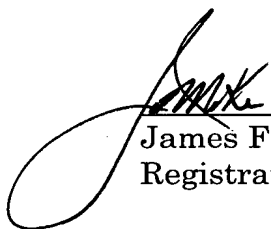
Customer No.

**23911**

- ☐ 15. Copies of Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- ☒ 16. Return Receipt Postcard.
- ☐ 17. Other: ☐

Respectfully submitted,

April 22, 2004

  
James F. McKeown  
Registration No. 25,406

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770)

## Complete if Known

Application Number To Be Assigned  
 Filing Date April 22, 2004  
 First Named Inventor Shiro YAMAOKA  
 Examiner Name Andrew Dollinar  
 Art Unit 3747  
 Attorney Docket No. 056209.52219C1

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 05-1323  
 Deposit Account Name Crowell & Moring LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Charge any deficiency or credit any overpayments to the deposit account of the undersigned. Attorney Docket No. 056209.52219C1
☐ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee	Code	Fee Description	Fee Paid
1001	2001	770	385	Utility filing fee	770
1002	2002	340	170	Design filing fee	
1003	2003	530	265	Plant filing fee	
1004	2004	770	385	Reissue filing fee	
1005	2005	160	80	Provisional filing fee	
SUBTOTAL (1)					770

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
2	-20** = 0	x 18	= 00.00
Indep. Claims	1	-3** = 0	x 86 = 00.00
Multiple Dependent			=

Large Entity	Small Entity	Fee	Code	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	86	43	Independent claims in excess of 3
1203	2203	290	145	Multiple dependent claim, if not paid
1204	2204	86	43	** Reissue independent claims over original patent
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) \$ 00.00				

\*\*or number previously paid, if greater; For Reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1051	2051	130	65	Surcharge - late filing fee or oath
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet
1053	2053	130	130	Non-English specification
1812	2520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examination action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	2251	110	55	Extension for reply within first month
1252	2252	420	210	Extension for reply within second month
1253	2253	950	475	Extension for reply within third month
1254	2254	1,480	740	Extension for reply within fourth month
1255	2255	2,010	1,005	Extension for reply within fifth month
1401	2401	330	165	Notice of Appeal
1402	2402	330	165	Filing a brief in support of an appeal
1403	2403	290	145	Request for oral hearing
1451	2451	1,510	1,510	Petition to institute a public use proceeding
1452	2452	110	55	Petition to revive - unavoidable
1453	2453	1,330	665	Petition to revive - unintentional
1501	2501	1,330	665	Utility issue fee (or reissue)
1502	2502	480	240	Design issue fee
1503	2503	640	320	Plant issue fee
1406	2406	130	130	Petitions to the Commissioner
1807	2807	50	50	Processing fee under 37 CFR 1.17(q)
1806	2806	180	180	Submission of Information Disclosure Stmt
8021	8021	40	40	Recording each patent assignment per property (times number of properties)
1809	2809	770	385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	2810	770	385	For each additional invention to be examined (37 CFR § 1.129(b))
1801	2801	770	385	Request for Continued Examination (RCE)
1802	2802	900	900	Request for expedited examination of a design application

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

Fee Paid

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type) James F. McKeown Registration No. (Attorney/Agent) 25,406 Telephone 202-624-2500  
 Signature [Signature] Date 04/22/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.